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SUBJECT: Slovenian Referendum on the new Law on the National Radio and Television, Sunday, September 25

11. (U) SUMMARY: On Sunday, September 25 Slovenians will vote in a referendum on whether the new Law on National Radio and Television should be implemented. The main issue is whether the Parliament will have the authority to approve a greater proportion of the Program Council members of Public Radio and TV (RTV) and whether the Government (GOS) will also have the authority to appoint four additional members to the Supervisory Board, which reviews and approves financial operations of RTV. The Government claims these changes are necessary to ensure public media are more representative of the diversity in Slovenia. Opposition political parties, claiming that Government is seeking to exert control over public radio and television, initiated the referendum. Public debate has been raging in all media with no clear conclusions or winners. At midnight on September 23, all debate will stop and a period of silence on the issue imposed prior to the referendum. Two days before the referendum, a majority of Slovenians remain undecided, and among those who have decided, a slightly greater number seem inclined to overturn the new law. END SUMMARY.

Background

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12. (U) The GOS initiated changes in the law and the Parliament approved them earlier this year based on findings by the Constitutional Court that the existing law was not fully constitutional. The GOS' stated intention was to improve programming and financial management, and to better represent the broad spectrum of views in Slovenia. The Opposition, however, claims that the GOS is trying to assure itself strong influence in public radio and television by stacking both the Program Council and Supervisory Board with members sympathetic to its policies and views.

13. (U) According to the previous law, members of the Program Council of Radio and Television Slovenia (RTV) were nominated as follows: five members were nominated by the parliament in order to respect the proportional representation of parliamentary parties [deputies or other public officials cannot be nominated]; one member was nominated by the Italian minority community; one member was nominated by Hungarian minority community; different social groups [University, Academy of Sciences and Art, societies of writers, film workers etc] nominated fifteen members; and three members were elected by and from among the employees of RTV.

13. (U) The new Law on Radio and Television Slovenia increases the number of members of the Program Council to 29. It also changes the process of selection of members of it. Italian and Hungarian minority communities will each nominate one member, the Slovene Academy of Sciences and Art will nominate one, two are to be nominated by the President of the Republic on the recommendation of the registered Religious Communities. Employees of the Radio and Television Slovenia nominate three among themselves through direct elections, the Parliament nominates five on the proposal of parliamentary parties and 16 are nominated by viewers and listeners of Radio and Television Slovenia programs, by Universities, and different civil society groups.

14. (U) The Supervisory Board reviews and approves financial operations of RTV. Under the previous law, it consisted of seven members, five of whom were appointed by the Parliament and two by RTV employees. The new Supervisory Board consists of eleven members. Five would be appointed by the Parliament, four by the Government and two by the RTV employees.

15. (U) By comparison, EU members have various approaches to management of public radio and television. In Austria the federal government together with local governments nominate 24 members, Workers Council nominates five, and Public Council [listeners and spectators] six; in Belgium the government nominates all members of Program Council; in

Denmark the minister of Culture nominates all; in Finland the parliament nominates all; in France the President of the Republic nominates one third, the President of the Parliament one third and the President of the Senate one third; in Sweden employees manage the public television themselves.

16. (U) Comment: The Opposition sees the changes to the RTV law as a means of subordinating RTV to the Government, implying that the Government-dominated Supervisory Board will not approve of financial operations if it does not like the programming. It has also pointed to recent comments by the Council of Europe (CoE), which indicate that the new law may not meet all European norms and standards as support for its position. Since a comparison with the previous law was not made, however, it is not certain that the previous law met CoE criteria either. The Opposition was also initially hoping to make political hay with this referendum claiming that it was not only a referendum on the law, but on the Government as well. The weeks of inconclusive wrangling to which the Slovene public has been subjected have ensured that what this all really comes down to is a lot of "floskula " or political hot air. It is not clear that the changes proposed by this law will have a negative impact on freedom of the media in Slovenia, or that if defeated, it would negatively impact the Government's ability to rule.  
End Comment.

ROBERTSON

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